

**Washington County Land Use Authority Meeting
November 08, 2011
(Recording available)**

The Washington County Land Use Authority Meeting was held on Tuesday, November 08, 2011 at the Water Conservancy District Administration Building, 553 E. Waterworks Drive, St. George, Utah. The meeting was convened at 1:30 p.m. by Chairman Doug Wilson.

Commissioners present: Dave Everett, Deborah Christopher Mike Stucki, JoAnn Balen, Julie Cropper, and Kim Ford.

Excused: Rick Jones

Staff present: Deon Goheen, Planning & Zoning Administrator; Todd Edwards, County Engineer; Rachelle Ehlert, Deputy Attorney; Ron Whitehead, Public Works Director; John Willie, Senior Planner; and Doreen Bowers-Irons, Planning Secretary.

Audience attendance: Margaret Truman Marshall, Lonnie Truman, Delmont Truman, Ed Burdick, Brandon Anderson.

Chairman Wilson expressed appreciation to the Water Conservancy District for the use of their building. He then led Pledge of Allegiance after which, he explained meeting protocol. He thanked everyone for attending.

I. STAFF COMMENTS. Review staff comments for each agenda item listed; Staff initiated.

Ron Whitehead, Public Works Director thanked the commissioners for their work and support. He reported on two letters he received expressing appreciation for the good, helpful, and hard work Deon Goheen and the Planning Commission provides.

II. CONDITIONAL USE PERMIT EXTENSION. Request permission to install fiber optics along the County Right of Ways: 1) Anderson Junction to Leeds; 2) Old Hwy 144 from I-15 to New Harmony; and 3) the Santa Clara area of the County; Qwest, applicant.

The Planner reported this is an automatic annual review. Previously, Qwest had received funds to install fiber optic lines prior to the first of the year. The lines were installed at three locations throughout the County. As previously noted, public utilities are conditionally approved within the zones of the county and along major right-of-ways (*County Code 10*). Most of the lines were installed 48" in depth, observing all county standards. They remained 10 to 15-feet off the edge of asphalt in the New Harmony area and 25-feet in the Leeds area. They bore across the roadways and some driveways. Wash crossings or culverts required deeper trenching. The local communities and UDOT granted approval where applicable. They were in touch with the Conservancy District when digging near their waterlines and kept a 3-foot separation. Blue Stakes were notified and contractors met county standards and observed traffic controls. Encroachment permits were obtained from the Public Works Department and "as built" drawings should be required. The Commission should be able to recommend approval on a permanent basis.

Todd Edwards, County Engineer stated the project was completed. The applicants obtained all encroachments permits from the county, they cleaned up the areas where the work was done, and there are no issues. Public works is satisfied with the project being approved on a permanent basis.

Chairman Wilson asked about "as builds" for this type of project and if they are required. Mr. Edwards answered they were not required.

Commissioner Ford asked if the request was for Qwest or CenturyLink. The planner reported they are one and the same; however, the permit was requested and issued under Qwest.

There was no representative from Qwest Communications in attendance.

Motion: Commissioner Everett MOVED to recommend the County Commission approve the Conditional Use Permit Extension request to install fiber optics along the County Right of Ways: 1) Anderson Junction to Leeds; 2) Old Hwy 144 from I-15 to New Harmony; and 3) the Santa Clara area of the County, applicant Qwest Communications, on a permanent basis. Commissioner Stucki SECONDED. The motion carried with all six (6) Commissioners voting in favor.

This item will go before the County Commission on November 15, 2011.

III. PLAT AMENDMENT. Consider Plat Amendment for Lonnie Truman Subdivision Amended, to add two (2) new flag lots and revise Lot 1; Section 15, T39S, R15W, SLB&M, generally located along Sage Road in Pine Valley, Lonnie and Delmont Truman, applicant.

The Planner showed a copy of the amended subdivision plat. She reported this item was tabled at the previous meeting to allow for review and an opinion from the county attorney as to Flag Lot requirements being met. As previously reviewed, the applicant submitted an amended plat for the Lonnie Truman Subdivision Amended to create two flag lots and revise Lot 1. A public hearing was held. There have been changes to the easements and drainage; and a sliver of land on the northwest side of the development has been deeded to an adjacent parcel. The rest of the subdivision is to remain the same as shown on the original recorded plat. The "Will Service" letters for power, phone, and water, plus a letter of septic feasibility from the Southwest Utah Public Health Department will remain the same, whereas, the number of homes allotted will be the same as originally planned.

Rachelle Ehlert stated due to a large ongoing litigation issue, she had not been able to write the legal opinion requested by the commission. She recommended the item be tabled until the next meeting and indicated she should have the opinion at that time.

Commissioner Ford had a question regarding the proposed cul-de-sac for the project. The planner stated the applicant could come in with a 50-foot road and a cul-de-sac on lot 1 if they wanted. Commissioner Ford thought the drawing was larger than before and was informed it was the same.

Chairman Wilson stated at the last meeting, there were concerns of potential conflicts to the ordinance the commission would like resolved for this and future developments which might have the same issues.

Motion: Commissioner Stucki MOVED to table the recommendation to the County Commission approval of the Plat Amendment for Lonnie Truman Subdivision Amended, to add two (2) new flag lots and revise Lot 1; Section 15, T39S, R15W, SLB&M, generally located along Sage Road in Pine Valley, Lonnie and Delmont Truman applicants, until the next meeting. Commissioner Christopher SECONDED. The motion carried with all six (6) Commissioners voting in favor.

The item will come back to the commission at the next meeting.

IV. PUBLIC HEARING. Open hearing for Washington County General Plan on the private lands portion, part of the Washington County General Plan, County initiated.

The planner stated the Commission will need to open a public hearing as referenced by State Code, whereas amending a portion of the Washington County General Plan requires a minimum ten days published notice and 24 hour posting of agenda before other public meetings. *This item is in conjunction with the item below.*

Chairman Wilson opened the floor to the public hearing portion of the meeting.

There were no public comments and no comments from the commissioners.

Chairman Wilson closed the floor to the public hearing portion of the meeting.

V. GENERAL PLAN AMENDMENT. Consider approval of an amendment to the Washington County General Plan by adopting community plans for Central/Dixie Deer Estates, East Enterprise, New Harmony, Cliffdwellers/Grassy Meadows Sky Ranch, and Kolob Mountain part of the private lands portion of the General Plan; County initiated.

The planner stated this item has been properly advertised and the effected entities notified. The planning commission will need to make facts and findings recommending approval to the County Commission. She and John Willie attended the community meetings and Mr. Willie will make the presentation on the process and meetings held for the General Plan Amendments.

John Willie reported on the public meetings held during the last few months for the communities being presented and the attendance and comments received. He presented additional materials on the General Plan for the private lands portion reviewing five (5) of the thirteen (13) community plans, which were Central/Dixie Deer, East Enterprise, New Harmony Valley, Cliffdwellers/Grassy Meadows Sky Ranch, and Kolob Mountain. General information regarding private land in Washington County and one (1) additional community plan should be ready for review in December or January. The General Plan Community Maps are available on the County Web site for review.

A brief discussion regarding the proposed General Plan Amendments for the community plans occurred.

The commission discussed and made the facts and findings for the application.

Motion: Commissioner Balen **MOVED** to recommend that the County Commission approve an amendment to the Washington County General Plan by adopting community plans for Central/Dixie Deer Estates, East Enterprise, New Harmony, Cliffdwellers/Grassy Meadows Sky Ranch, and Kolob Mountain part of the private lands portion of the General Plan, County initiated, with the following findings of facts:

- The Community Plans are consistent with the General Plan currently in place.
- Community meetings were held and attended in each area.
- There is no opposition from the public.
- The County provided proper legal notice and advertising for all areas.

Commissioner Stucki SECONDED. The motion carried with all six (6) Commissioners voting in favor.

This item will go before the County Commission on the consent agenda for approval November 15, 2011.

VI. DISCUSSION ITEM/CONDITIONAL USE PERMIT. Request permission for catering for events during the holidays, weddings, etc.; and a joint Agri-tourism business within the OST-20 zone generally located between Veyo and Gunlock; Ed Burdick, applicant.

The Planner stated Ed Burdick would like to introduce the proposed use of Agri-tourism, workshops and catering events to the Gunlock/Veyo area. Mr. Burdick would like to convert the usage of his garage into a country store featuring local crafts and produce when in season. Bakery items and cheeses will also be included. Workshops teaching basic skills of gardening, baking bread in an earthen oven, making cheese and other lost skills will be the focus. Catering events for holidays and weddings or other such events will also be included using a beautiful room above the garage. Both the garage and room above have bathrooms available. The house

and garage are built from logs as well as local stone from the old power plant on the property. The wainscoting in the room above the garage is from the old fir floors of the Gunlock Chapel. The new 8'x21' store front uses the windows from the old Gunlock school. Everything will be done to create an experience of being on an old farm. A petting zoo type real life farm could be part of the draw. Staff is providing Mr. Burdick with a list of the steps that will need to be taken. This item is a discussion only and may be brought back to the commission for the conditional use permit request at a later date.

Ed Burdick reported on the Agri-tourism business proposal he would like to do and how he would meet the requirements. He reported how the idea for the business came about. He spoke about the property and buildings and how he would like to tie everything together. He stated he would not have a bed and breakfast due to the fact that is not what he wants to do. He wants to keep the family area private from the business.

A lengthy discussion took place regarding the proposal, changing the zoning of the property and why the rezone should take place, the parking, lighting, water, family privacy issues, what types of events would take place on the property, and what types of requirements would need to be met for the various proposed uses.

Mr. Burdick stated currently he is looking into what requirements would need to be met in order to proceed further if he chooses to do so. He thanked the commission for their time.

VII. DISCUSSION ITEM/ORDINANCE AMENDMENT. Discuss the Washington County Land Use (Zoning) Ordinance to review possible amendments regarding Wind Energy Systems and Facilities.

The Planner stated at a previous meeting, the planning commission decided to go with modifications to the Wind Energy Ordinance currently in place, instead of starting over with the State Model Ordinance. The planning commission should review the Wind Energy Ordinance for possible amendments. At the meeting in July, a link was provided to attend a webinar on Wind Energy. Some of the commissioners who viewed this meeting may want to comment or make recommendations. The commission may recall the meeting with Perry Thompson, Associate Director of USTAR Technology Outreach, who provided a Power Point presentation on certain areas in the ordinance that may need changed. At the request of the commission, staff made those minor changes and modifications of the current ordinance based on that previous meeting. The planner reviewed the changes.

The commission and staff reviewed and discussed the ordinance at length regarding noise in outlying areas where no one is around. The commission suggested some additional minor changes be made to the ordinance. They had concerns they want addressed, which included removing noise regulations in outlying areas where no one lives. The Commission would like the ordinance simplified regarding the noise. They asked staff to make the changes and bring it back to them.

Mr. Edwards asked that the setbacks from BLM lands be addressed by a letter or some type of permission from BLM to avoid any issues that might come up.

No action taken until the easement and noise issues are addressed.

VIII. DISCUSSION ITEM/ORDINANCE AMENDMENT. Review Washington County Land Use (Zoning) Ordinance clarification and possible amendments of the household pets definition; County initiated.

The planner reported one of the Sheriff's Deputies brought to the attention of staff that the ordinance does not clarify the numbers of household pets a residence can have. Staff has always defined it by using the least number in kenneling, which would be three (3). Staff is proposing to add the number "three (3)" in the definition for Household Pets in Chapter 4 and adding "see definition: to each of the zoning sections, where pets are permitted. In the Attorney Rachelle Ehlert's words, "This will make our ordinance user friendly." If the commission concurs with staff, this will be advertised for a public hearing on the 13th of December 2011 and will go before the County Commission as a recommendation on the 20th of December 2011.

Rachelle Ehlert reported this item came from a Deputy Sheriff who went out on a complaint call and needed information. He was looking for clarification on the definition of how many the number of animals allowed on one property and how many was too many.

The Commission and staff reviewed and discussed the proposed ordinance amendments regarding the number of pets in the County Zoning Ordinances at length.

Commissioner Balen and Stucki argued the number of animals was arbitrary and asked how the county could defend that arbitrary number. Commissioner Stucki stated at one time the county had a limit of eight animals. He asked what happened to that number. He explained how the number came about indicating it was based on a previous issue.

A lengthy discussion regarding the number of animals allowed on properties took place. The discussion consisted of allowing up to eight animals as the maximum number of household pets on properties. The discussion included animals running loose, safety issues and kennel licensing for additional animals within the County. The commission directed staff to research and prepare an ordinance addressing kennel licensing, acreage, and possibly allowing up to eight (8) household pets before a kennel licensing is required.

Staff indicated this item will be back in the near future.

VIII. STAFF DECISIONS. Review of decisions from the Land Use Authority Staff Meeting held on November 1, 2011; County initiated.

The Planner reported on the decisions of the Land Use Authority Staff Meeting held November 1, 2011 as follows:

ACTIONS OF THE LAND USE AUTHORITY STAFF MEETING
November 1, 2011

Staff meeting convened at 9:30 a.m. in the Washington County Planning Department conference room located at 197 E. Tabernacle St.

Staff Members Present: Deon Goheen, Planning & Zoning Administrator; and Rachelle Ehlert, Deputy Civil Attorney; Darwin Hall, Ash Creek Special Service District; and Tina Esplin, Washington County Water Conservancy District.

Excused: Ron Whitehead, Public Works Director; Kurt Gardner, Building Official; Todd Edwards, County Engineer; Director Paul Wright, Department of Environmental Quality; and Robert Beers, Southwest Utah Public Health Department Becky Marchal, Questar Preconstruction Specialist; and Clint Frei, Southwest Utah Public Health Department.

CONDITIONAL USE PERMIT EXTENSIONS:

A. Request permission for a 2nd dwelling for a family member within the RA-5 zone, BRR-1-23-NS, located at 2645 S. Old Hwy 91, in the New Harmony Valley. Nick Young, applicant.

This is the 4th extension review and second dwellings are conditionally approved within the RA-5 zone as a single family dwelling for a family member. The applicant previously met the requirements for the use permit by submitting a site plan, septic permit from the Southwest Utah Public Health Department (SWPHD) and a letter from the Mountain Springs Water Company allowing for a water connection. The property is accessed from Old Hwy 91 and the plan meets all 25' setback requirements. The Building Department made a final inspection on Permit No. 5815 on April 6, 2011 and issued the Certificate of Occupancy. **The staff granted approval granting permanent status.**

B. Request permission for a single family dwelling within the A-20 zone in the Mountain Meadows area. Tom Lamb, applicant.

This is 2nd extension review, with the planner showing that a permit was pulled on October 5, 2011, with the footings and foundation being poured. This particular parcel is 5 acres within the A-20 zone near Mountain Meadows, which was verified by deed as a grand fathered parcel split in 1969, prior to the adoption of the zoning ordinance in 1972. There are two other parcels in conjunction with this piece of land. The applicant met the requirements for the use permit by submitting a site plan, septic permit from the Southwest Utah Public Health Department (SWPHD) and showing water rights and quality of water from a spring. The applicant accesses the property off SR-18 onto a Forest Service Road, which was previously recognized as a public access road for the Barton Imlay Subdivision. **Staff granted approval of the Conditional Use Permit extension for another year.**

C. Request permission for a Casita within a garage in Canyon Trails Subdivision located in Dammeron Valley. Tony & Robin Vaughn Sorensen, applicant.

This is the 2nd extension review and the permit was issued, but was never picked up. Previously the applicant requested an accessory dwelling within a previously constructed garage and they thought they went through the approval process when ordinance was being addressed on accessory dwelling. The applicant submitted a site plan and floor plan for staff review. The septic system installed for the main dwelling is adequate for the 1 bedroom added in the accessory dwelling. This meets the criteria set forth for accessory dwelling units. Due to permit never being taken out, the permit became void. **Staff agreed that no action be taken and would let the Conditional Use Permit lapse.**

CONDITIONAL USE PERMIT:

A. Request permission for an area (Pool Pavilion) in Adobe Hills Subdivision at Grassy Meadows Sky Ranch - Phase 5, located south of Hurricane. Rock Solid Building, agent.

The plans were reviewed for the pavilion with restroom and cooking facilities. The planner indicated that past actions were taken to approve these types of units as accessory dwellings. Darwin Hall and Tina Esplin both concurred that if this were considered as an addition to the home, there would be no need for a treatment facility for sewer. Their agencies treat accessory dwellings as a 2nd home that would need to be reviewed as such. The deputy attorney stated that if this is not labeled as livable space than we cannot assume that it is. The building codes refer to it as habitable space. So in clarifying the jest of the conservation, the permit would be issued as an addition to the home (attached by a wall). The attorney offered to revisit the ordinance for any modifications these two agencies may feel necessary (Conservancy District and Ash Creek Sewer District). **No action taken.**

XI. MINUTES. Consider approval of the minutes of the regular Planning Commission meeting held October 11, 2011.

The commission discussed changes and corrections to the Minutes of October 11, 2011 that needed to be made.

Motion: Commissioner Everett MOVED to adopt the Minutes of October 11, 2011 as corrected. Commissioner Christopher SECONDED. The motion carried with all six (6) Commissioners voting in favor.

XII. COUNTY COMMISSION ACTION REVIEW. Review of action taken by the County Commission on Planning Items; County initiated.

The Planner reported there were four items on the County Commission agenda from the Planning Commission that were approved; three Conditional Use Permit Extensions and one Conditional Use Permit for the new transmission power line.

XIII. COMMISSION & STAFF REPORTS. General reporting on various topics; County initiated.

The Planner provided the 2012 Meeting schedule to the Commissioners. Commissioner Christopher clarified whether or not the commission would hold two meetings per month or one. The planner advised her that at this point in time, there will be one meeting per month unless the meetings become overburdening and then they will go to two as needed.

Redrock Relay Race provided the Commissioners with a thank you package containing a “hoodie” sweatshirt and a Frisbee. They also gave the commission a finisher’s letter to show their appreciation. This was their third race and it went well.

The Planner stated the next meetings will be a regular planning meeting on December 13, 2011 there will also be a small Christmas party following the meeting.

Commissioner Everett moved to adjourn the meeting at 3:34 p.m.

Doreen Bowers-Irons, Planning Secretary
Approved: 13 December 2011